IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21238 of 2004

Between:

1 T.Chennarao, S/o. Subbaiah,
R/o. Gandugulapalli (V), Dammapet (M), Khammam District.
2 T.Venkateswara rao, S/o.Subbaiah,
R/o. Gandugulapalli (V), Dammapet (M), Khammam District.

..... PETITIONERS

AND

1 State of A.P. rep by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2 Superintendent police, Khammam District, Khammam.
3 Sub-Divisional Police officer Sathupalli Division, Sthupalli (M), Khammam District.
4 Station House officer, Dammapet police station, Dammapet Mandal, Khammam District.
5 Mandal Revenue officer, Dammapet (M), Khammam District.
6 Gannarapu Gopalam, S/o.Chinnaiah,
R/o.Mondiverra Colony, Dammapet (M), Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not initiating any action on the report dated 11-11-2004 & 16-11-2004 is illegal, irregular and offends the provisions of Articles 14, 21 and 300-A of Constitution of India and violative of provisions of code criminal procedure and consequently direct the respondents 1 to 5 to take necessary action against the 6th respondent and his followers on

the said report and to protect the life, liberty and property of the petitioners in the interest of justice and pass.

Counsel for the Petitioner:MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents No.1 to 5: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioners claim to be the owners of agricultural lands in various survey numbers of Nagupalli village, Dammapet mandal, Khamma district. They complain that the sixth respondent claiming to be the tribal in the area is interfering with their possession and enjoyment over the land and is preventing them from cultivating the land and harvesting the crop. They allege that though they submitted complaints to the fourth and fifth respondents in this regard, no action has been taken thereon.

Heard learned counsel for the petitioners and learned Government Pleader for Home.

Learned Government Pleader for Home, on instructions, submits that on receiving the complaint from the petitioners, the fourth respondent has taken all possible measures to prevent any interference or commission of unlawful activities.

The complaint submitted by the petitioners needs to be attended to by the fourth respondent. It is the obligation of the State to accord necessary protection to enable the citizens to enjoy their rights. If there exists any dispute as to the title or possession, the parties concerned can be required to resolve their disputes before the civil Courts. However, indiscriminate interference without claiming any rival right cannot be permitted.

For the foregoing reasons, the writ petition is disposed of directing the fourth

respondent to take necessary steps in the matter of according protection to the petitioners to enjoy their rights over the land. No order as to costs.

04.02.2005

ksld

To

1 The Principal Secretary, Home Department, Secretariat, Hyderabad.
2 Superintendent police, Khammam District, Khammam.
3 Sub-Divisional Police officer Sathupalli Division, Sthupalli (M), Khammam District.
4 Station House officer, Dammapet police station, Dammapet Mandal, Khammam District.
5 Mandal Revenue officer, Dammapet (M), Khammam District.
6 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad

(OUT).

7 Two CD copies.